

ORIGINAL

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 United States Attorney
 District of Hawaii

FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

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MAR 17 2008
 at 10 o'clock and 00 min AM
 SUE BEITIA, CLERK

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

RAYMOND WARE,)	CIVIL NO. 04-00671 HG LEK
)	
Plaintiff,)	STIPULATION; ORDER
)	
v.)	
)	
MICHAEL CHERTOFF, Secretary,)	Trial: March 11, 2008
DEPARTMENT OF HOMELAND)	Judge: Hon. Helen Gillmor
SECURITY,)	
Defendant.)	
)	

STIPULATION

The parties to this action hereby stipulate that plaintiff's contact with an EEO counselor in June 2003 and subsequent filing of a formal EEO complaint in August 2003 was a protected activity. The parties further stipulate that plaintiff's non promotion in August 2003 was an adverse personnel action. Plaintiff need not present additional proof on these elements, and the verdict form need not refer to them.

The parties further stipulate that the following statement should be read to the jury: "Plaintiff left his employment at TSA on November 25, 2003. You should not speculate as to the reasons for that action."

DATED: March 14, 2008, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

D E B
DAPHNE E. BARBEE
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JM OM
By *THOMAS A. HELPER*
Thomas A. Helper
Attorney U.S. Attorney
Attorneys for Defendant

APPROVED AND SO ORDERED:

HG
HELEN GILLMOR
United States District Judge

Raymond Ware v. Michael Chertoff; Civil No. 04-00671 HG LEK
STIPULATION; ORDER